

HOUSE BILL NO. 290

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MCCARTY

Introduced: 1/26/22

Referred: Judiciary, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to voluntary chemical tests to determine the alcoholic content of a**
2 **person's breath; and relating to certain alcoholic beverage licenses and permits."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 04.21.020 is amended by adding a new subsection to read:

5 (f) A licensee, permittee, agent, or employee who provides a device to conduct
6 a voluntary chemical test of a person's breath under AS 04.21.063(a) may not be held
7 civilly liable for civil damages resulting from an act or omission of a person arising
8 out of the use of a voluntary chemical test of the person's breath on a device provided
9 by the licensee or permittee under AS 04.21.063(a).

10 * **Sec. 2.** AS 04.21 is amended by adding a new section to read:

11 **Sec. 04.21.063. Availability of devices to conduct voluntary chemical tests**
12 **of a person's breath on licensed or permitted premises.** (a) A holder of one of the
13 following licenses or permits may provide on the licensed or permitted premises a
14 device to conduct a voluntary chemical test of a person's breath for the purpose of

determining the alcoholic content of the person's breath:

- (1) beverage dispensary license;
- (2) restaurant or eating place license;
- (3) club license;
- (4) brewery license;
- (5) distillery license;
- (6) common carrier dispensary license;
- (7) recreational site license;
- (8) pub license;
- (9) winery license;
- (10) caterer's permit;
- (11) special events permit;
- (12) conditional contractor's permit;
- (13) brewpub license;
- (14) golf course license;
- (15) outdoor recreation lodge license;
- (16) destination resort license;
- (17) another license or permit issued by the board authorizing consumption of alcoholic beverages on licensed or permitted premises.

(b) A licensee or permittee that provides a device on the licensed or permitted premises under (a) of this section shall

- (1) calibrate the device at least once a year;
- (2) ensure that the device is accurate within 0.03 grams of alcohol for each 210 liters of a person's breath; and
- (3) post on the licensed or permitted premises a disclaimer notifying persons on the premises

(A) that the device is available only for a person to voluntarily test and evaluate the alcoholic content of the person's breath;

(B) that the licensee or permittee is not liable under AS 04.21.020(f) for civil damages resulting from an act or omission of a person arising out of the use of the device; and

1 (C) of the last date on which the device was calibrated.
2 (c) A chemical test result obtained under this section may not be introduced
3 into evidence in a civil action brought against a licensee or permittee under
4 AS 04.21.020.